

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 136 be amended to read as follows:

- 1 Page 3, between lines 1 and 2, begin a new paragraph and insert:
- 2 "SECTION 3. IC 3-6-5-34 IS ADDED TO THE INDIANA CODE
- 3 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 4 1, 2003]: **Sec. 34. (a) This section applies after December 31, 2003.**
- 5 **(b) For purposes of this section, "appointed member" refers to**
- 6 **any of the following:**
- 7 **(1) An appointed member of a county election board.**
- 8 **(2) A proxy of record for an appointed member of a county**
- 9 **election board under section 4.5 of this chapter.**
- 10 **(3) An alternate proxy of record for an appointed member of**
- 11 **a county election board under section 4.5 of this chapter.**
- 12 **(c) An appointed member is recused from all actions of the**
- 13 **board relating to the election if all of the following apply:**
- 14 **(1) A candidate:**
- 15 **(A) for election to an office to be held in the county; and**
- 16 **(B) of the same political party as the appointed member;**
- 17 **makes a motion for the recusal of the appointed member.**
- 18 **(2) The candidate described in subdivision (1) demonstrates**
- 19 **to the county election board that the appointed member:**
- 20 **(A) serves a function in;**
- 21 **(B) has a role in; or**
- 22 **(C) has publicly acted in a manner related to;**
- 23 **the campaign of a candidate that reasonably places in doubt**
- 24 **the appointed member's ability to serve impartially.**

(d) If an appointed member is recused under subsection (c), the county chairman of the party of the recused appointed member shall appoint another individual to serve as a temporary appointed member. The individual appointed under this subsection serves until the day after the election.

(e) The circuit court clerk may not do either of the following:

(1) Be a member of a candidate's committee other than the clerk's own candidate's committee.

(2) Serve a function in, have a role in, or publicly act in a manner related to the campaign of a candidate other than the clerk's own campaign that reasonably places in doubt the clerk's ability to perform the clerk's election duties impartially.

SECTION 4. IC 3-6-5.2-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4.5. (a) This section applies after December 31, 2003.

(b) A person who is a candidate for elected office may not be appointed as a member of the board.

(c) If an appointed member becomes a candidate for elected office, the member may not continue to serve on the board.

(d) An appointed member may not hold elected office while a member of the board.

SECTION 5. IC 3-6-5.2-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 9. (a) This section applies after December 31, 2003.

(b) An appointed member is recused from all actions of the board relating to the election if all of the following apply:

(1) A candidate:

(A) for election to an office to be held in the county; and

(B) of the same political party as the appointed member;

makes a motion for the recusal of the appointed member.

(2) The candidate described in subdivision (1) demonstrates to the county election board that the appointed member:

(A) serves a function in;

(B) has a role in; or

(C) has publicly acted in a manner related to;

the campaign of a candidate that reasonably places in doubt the appointed member's ability to serve impartially.

(c) If an appointed member is recused under subsection (b), the county chairman of the party of the recused appointed member shall appoint another individual to serve as a temporary appointed member. The individual appointed under this subsection serves until the day after the election.

(d) The circuit court clerk may not do either of the following:

(1) Be a member of a candidate's committee other than the clerk's own candidate's committee.

(2) Serve a function in, have a role in, or publicly act in a

1 manner related to the campaign of a candidate other than the
 2 clerk's own campaign that reasonably places in doubt the
 3 clerk's ability to perform the clerk's election duties
 4 impartially.

5 SECTION 6. IC 3-6-5.4-4.5 IS ADDED TO THE INDIANA CODE
 6 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 7 1, 2003]: Sec. 4.5. (a) This section applies after December 31, 2003.

8 (b) A person who is a candidate for elected office may not be
 9 appointed as a member of the board.

10 (c) If an appointed member becomes a candidate for elected
 11 office, the member may not continue to serve on the board.

12 (d) An appointed member may not hold elected office while a
 13 member of the board.

14 SECTION 7. IC 3-6-5.4-10 IS ADDED TO THE INDIANA CODE
 15 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 16 1, 2003]: Sec. 10. (a) This section applies after December 31, 2003.

17 (b) An appointed member is recused from all actions of the
 18 board relating to the election if all of the following apply:

19 (1) A candidate:

20 (A) for election to an office to be held in the county; and

21 (B) of the same political party as the appointed member;

22 makes a motion for the recusal of the appointed member.

23 (2) The candidate described in subdivision (1) demonstrates
 24 to the county election board that the appointed member:

25 (A) serves a function in;

26 (B) has a role in; or

27 (C) has publicly acted in a manner related to;

28 the campaign of a candidate that reasonably places in doubt
 29 the appointed member's ability to serve impartially.

30 (c) If an appointed member is recused under subsection (b), the
 31 county chairman of the party of the recused appointed member
 32 shall appoint another individual to serve as a temporary appointed
 33 member. The individual appointed under this subsection serves
 34 until the day after the election.

35 (d) The circuit court clerk may not do either of the following:

36 (1) Be a member of a candidate's committee other than the
 37 clerk's own candidate's committee.

38 (2) Serve a function in, have a role in, or publicly act in a
 39 manner related to the campaign of a candidate other than the

1 **clerk's own campaign that reasonably places in doubt the**
2 **clerk's ability to perform the clerk's election duties**
3 **impartially."**

4 Renumber all SECTIONS consecutively.
 (Reference is to ESB 136 as printed April 2, 2003.)

Representative Brown C